IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE FIFTEENTH DAY OF DECEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE K.C. BHANU

-

WRIT PETITION NO : 20700 of 2004

Between:

Shaik Abdul Nabi Saheb, s/o Abdul Gaffur,
r/o Usman Nagar, Rajampet, Kadapa District.

... PETITIONER

AND

1 The Government of Andhra Pradesh, Rep. by its

Principal Secretary (Transport), Secretariat,

Hyderabad.
2 The Regional Transport Officer, Cuddapah, Cuddapah

District.
3 Authorised Officer-cum-Divisional Forest Officer,

Flying Squad, Mangalam Road,Tirupathi, Chittoor

District.

...RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ of mandamus or any other appropriate writ, orders or direction declaring the Dis. R. No. 8656-A2-2004 dated 15-10-2004 of Respondent 2 as illegal and ultra vires and consequently direct Respondent No.3 to release the vehicle TATA Sumo AP 902 U 5569 on Bank Guarantee to produce the same before the Respondent No.2 and direct Respondent No.2 to change the registration in my name in the

interests of justice and pass such other order or orders as this Hon'ble Court may deem fit and proper in the circumstances of the case.

Counsel for the Petitioner: MR.K.M.MUKUNDA RAO.SUJATHA.V

Counsel for the Respondents: GP FOR TRANSPORT

The Court made the following:

ORDER: -

This writ petition is filed seeking a writ of Mandamus declaring Dis.R.No.8656-A2-22004, dated 15.10.2004 of the second respondent, as illegal and ultra vires and consequently direct respondent No.3 to release the vehicle TATA Sumo bearing No.AP-02-U-5569, on Bank Guarantee to be produced before the second respondent, and a direction to the second respondent to change the registration in the name of the petitioner.

2. The petitioner seems to have purchased the vehicle from one A.Harinatha Reddy. As a matter of fact, the said vehicle was seized by the third respondent, when the vehicle was transporting red sandal wood. Now, the vehicle remains in the custody of the third respondent. For effecting transfer, the petitioner seems to have submitted certain documents, but the same were returned by the Regional Transport Officer, Kadapa by Memo No.8656/A-2-2004, Dated 15.10.2004.

3. It is stated by the counsel for the petitioner that the original documents are seized by the forest officials, therefore, a direction may be given to the third respondent, for effecting the transfer.

4. Admittedly, the petitioner is not the registered owner of the vehicle bearing No. AP-02-U-5569. Harinath Reddy seems to have sold the vehicle to the present petitioner. The second respondent has to pass appropriate orders basing on the certificate produced by the writ petitioner. Simply, the second respondent returned the records submitted by the writ petitioner. This returned order does not indicate for what reasons the transfer of the vehicle could not be effected in favour of the writ petitioner. Therefore, a direction can be given to the second respondent to pass appropriate orders as per law. In so far as consequential direction is concerned, it

cannot be given, because, admittedly the vehicle was not transferred in the name of the writ petitioner. Therefore, he is not entitled for grant of any interim custody.

5. The writ petition is disposed of accordingly with a direction to the second respondent to transfer the registration certificate in the name of the writ petitioner, if it is in accordance with the provisions of Motor Vehicles Act and the Rules framed thereunder. There shall be no order as to costs.

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K.C.BHANU, J

Dated: 15.12.2004

Note: - Issue C.C in two days

(B/o)

RAR

To

1 The Principal Secretary (Transport), Government of Andhra

Pradesh, Secretariat, Hyderabad.

2 The Regional Transport Officer, Cuddapah, Cuddapah

District.

3 Authorised Officer-cum-Divisional Forest Officer,

Flying Squad, Mangalam Road,Tirupathi, Chittoor

District.

4 2 CCs to G.P for Transport, High Court of A.P., Hyderabad (OUT)

5 2 CD copies.